

# EXHIBIT D

**From:** [Gosewehr, Katie](#)  
**To:** [legal@desertcart.com](mailto:legal@desertcart.com)  
**Cc:** [Eberhart, David R.](#); [#Trader Joe's Trademark Matter](#)  
**Subject:** RE: Trader Joe's Company / DesertCart Trading - [XVM-GSQSF-404]  
**Date:** Thursday, January 19, 2023 4:42:49 PM  
**Attachments:** [2022.12.16 Trader Joes - Letter to DesertCart enclosing Complaint.pdf](#)

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Dear Legal Department:

We write on behalf of Trader Joe's to follow up on the enclosed correspondence. As explained therein, DesertCart Trading's marketing of Trader Joe's products violates Trader Joe's legal rights. Trader Joe's demands that DesertCart immediately:

1. Cease and desist from marketing Trader Joe's products for sale on the Website and from distributing or selling any Trader Joe's products to customers or third party re-sellers in the future;
2. Remove all references to Trader Joe's, the TRADER JOE'S trademarks and trade dress, and Trader Joe's copyrighted images from the Website and any associated websites, mobile applications, or social media pages; and
3. Refrain from using the TRADER JOE'S trademarks, retail trade dress images, and Trader Joe's product packaging images on the Website and any associated websites, mobile applications, or social media pages.

**Please provide a response at your earliest convenience.** If you do not confirm your compliance with these demands, Trader Joe's is prepared to initiate litigation against you by filing the enclosed complaint.

Best,  
Katie

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**From:** Vuong, Maggie <[mvuong@omm.com](mailto:mvuong@omm.com)>  
**Sent:** Tuesday, December 20, 2022 2:03 PM  
**To:** [legal@desertcart.com](mailto:legal@desertcart.com)  
**Cc:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>; Pink, Scott W. <[spink@omm.com](mailto:spink@omm.com)>; Gosewehr, Katie <[kgosewehr@omm.com](mailto:kgosewehr@omm.com)>  
**Subject:** FW: Trader Joe's Company / DesertCart Trading - [XVM-GSQSF-404]

Legal Department:

Per Ms. April Marie's email, please find attached correspondence from David Eberhart dated December 16, 2022.

Thank you.

Maggie

**O'Melveny**

**Maggie T. Vuong**

Assistant to Adam KohSweeney, David Almeling, Susannah Howard, Bill Trac, Kristin MacDonnell, Katie Gosewehr, Madeleine Patton, Katy Ho, Rebecca Kim, Pooja Abhyankar, and Kiphanie Radford

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**From:** April Marie <[support@desertcart.ae](mailto:support@desertcart.ae)>

**Sent:** Tuesday, December 20, 2022 10:24 AM

**To:** Vuong, Maggie <[mvuong@omm.com](mailto:mvuong@omm.com)>; [support@desertcart.com](mailto:support@desertcart.com); [rahul@piffert.com](mailto:rahul@piffert.com); [rahul@swaminathan.com](mailto:rahul@swaminathan.com)

**Cc:** Eberhart, David R. <[deberhart@omm.com](mailto:deberhart@omm.com)>; Pink, Scott W. <[spink@omm.com](mailto:spink@omm.com)>; Gosewehr, Katie <[kgosewehr@omm.com](mailto:kgosewehr@omm.com)>

**Subject:** Re: Trader Joe's Company / DesertCart Trading - [XVM-GSQSF-404]

[EXTERNAL MESSAGE]

Hi Vuong,,

Thank you so much for raising your concern regarding the item that is listed on our website.

Online merchants tend to sell their products on different platforms to access a far reach and gaining new customers. We believe the same principle goes with Desertcart and all other online shopping websites. Desertcart helps our customers ship products across the world from stores around the world.

Please see our "About Us" page for more information.

We'd like to help you further, please send an email to our legal department for any legitimate legal claims to our legal department at [legal@desertcart.com](mailto:legal@desertcart.com).

If you are based in the UAE, kindly attach a copy of the Commercial Agencies Certificate attested from Dubai Ministry of Economy so we can help you further with your claims.

Thank you and we hope this helps.

Sincerely,  
April Marie  
Customer experience  
The DesertCart™ team - SERVICE is our top priority.

Dubai, United Arab Emirates  
Tel: 04 524 5555  
<http://www.desertcart.ae>

**Go to our [FAQ](#) page to know more about us!**

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Please take a second to rate my reply:  
[https://help.desertcart.ae/ticket\\_Xi3P3JmTvrmlztQ6](https://help.desertcart.ae/ticket_Xi3P3JmTvrmlztQ6)

-----Original message-----

From: 'Vuong, Maggie' via support <[support@desertcart.com](mailto:support@desertcart.com)>

Sent: 12/17/2022 01:17:20

Dear Mr. Swaminathan:

Please find attached correspondence from David Eberhart.

Hard copy will follow via FedEx.

Thank you.

Maggie

**O'Melveny**

**Maggie T. Vuong**

Assistant to Adam KohSweeney, David Almeling, Susannah Howard, Bill Trac, Kristin MacDonnell, Katie Gosewehr, Madeleine Patton, Katy Ho, Rebecca Kim, and Kiphanie Radford

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